

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior revisions and listings of claims in the application:

1. (Currently Amended) A surgical fastener instrument comprising:

a handle;

an elongated member extending from the handle, the elongated member including a first substantially linear elongate portion extending generally along a first longitudinal axis and a second substantially linear elongate portion ~~extending from~~ distal of the first elongate portion and extending generally along a second longitudinal axis intersecting the first longitudinal axis at a predetermined fixed angle with respect to the first longitudinal axis;

and

a fastener applying mechanism mounted to the second elongate portion of the elongated member, the fastener applying mechanism including a plurality of fasteners arranged in a general linear array, the fastener applying mechanism having a member for driving the fasteners into tissue.

2. (Previously Presented) The surgical fastener instrument of claim 1 including a manually manipulative actuator mounted to the handle and operatively connected to the fastener applying mechanism, the actuator movable relative to the handle to actuate the fastener applying mechanism.

3. (Previously Presented) The surgical fastener instrument of claim 2 wherein the actuator includes a fastener firing lever depending from the handle to define a pistol grip configuration, the firing lever being dimensioned for engagement by the fingers of the operator.

4. (Original) The surgical fastener instrument of claim 2 wherein the fastener applying mechanism includes a fastener holder and an anvil, the fastener holder and the anvil adapter for relative movement between an open position and an approximated position.

5. (Original) The surgical fastener instrument of claim 4 including an approximating mechanism for moving the fastener holder and the anvil between the open position and an approximated position.

6. (Original) The surgical fastener instrument of claim 5 wherein the fastener applying mechanism includes a flexible cable extending within the elongated member and operatively connected to the proximal actuator.

7. (Previously Presented) The surgical fastener instrument of claim 5 including a manually manipulative approximator mounted to the handle and operatively connected to the approximating mechanism, the approximator movable relative to the handle to actuate the approximating mechanism.

8. (Original) The surgical fastener instrument of claim 7 wherein the approximating mechanism includes a flexible cable extending within the elongated member and operatively connected to the proximal approximator.

9. (Previously Presented) The surgical fastener instrument of claim 7 wherein the fastener holder and the anvil define a general U-shaped structure, the anvil being on a first leg of the U-shaped structure and the fastener holder being on a second leg of the U-shaped structure, the anvil and the fastener holder being adapted for relative movement to clamp tissue to be fastened between the fastener holding part and the anvil part when in the approximated position.

10. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a “scissor jack” type toggle linkage, the “scissor jack” type toggle linkage being operatively connected to the respective actuator or approximator.

11. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a crank mechanism, the crank mechanism further including a cam arrangement, said cam arrangement further includes a plurality of cam slots, levers, and pins to actuate the respective mechanism.

12. (Withdrawn) The surgical instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a ball drive arrangement, the ball drive arrangement including an eccentric bearing and a hex or ball drive

engageable with the eccentric bearing, the bearing rotatable to drive a pusher to actuate the respective fastener applying or approximating mechanism.

13. (Withdrawn) The surgical fastener instrument of claim 9 wherein at least one of the fastener applying mechanism and the approximating mechanism includes a gear arrangement having a plurality of gears, the gear cooperating to actuate the respective fastener applying or approximating mechanisms.

14. (Previously Presented) The surgical fastener instrument of claim 1 wherein the predetermined angle of the second elongate portion of the elongated member is in a range from about 1° to about 90°.

15. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 45°.

16. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 60°.

17. (Original) The surgical fastener instrument of claim 14 wherein the predetermined angle is about 75°.

18. (Original) The surgical fastener instrument of claim 3 wherein the fastener applying mechanism includes a knife, the knife further including a finger tab for manual operation.

19. (Currently Amended) A surgical fastener instrument comprising:

a handle;

an elongated member extending distally from the handle, the elongated member defining a first longitudinal axis, the elongated member having an offset distal end wherein said offset distal end ~~extends~~ is fixed relative to the longitudinal axis to extend along a second longitudinal axis in general parallel relation to the ~~first-mentioned~~ longitudinal axis and in spaced relation therewith;

a fastener applying mechanism mounted to the offset distal end of the elongated member, the fastener applying mechanism having at least one fastener; and

a manually manipulative proximal actuator assembly moveable relative to the handle to actuate the fastener applying mechanism, including and having means for firing at least one fastener.

20. (Canceled)

21. (New) The surgical instrument of claim 1 wherein the elongated member defines an x-axis generally corresponding to the first longitudinal axis and y and z axes, the second longitudinal axis upon which the second elongate portion generally extends having each of y and z axial components of direction.